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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF JAKE JOHNSON IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AGAINST DEFENDANTS U.S. DEPARTMENT OF HOMELAND SECURITY AND U.S. MARSHALS SERVICE

I, Jake Johnson, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a freelance reporter. I graduated from Portland State University in June 2020. I was a journalist for more than three of my four years there, first for the *PSU Vanguard* and then for the *Pacific Sentinel*, where I was the executive editor. I have been covering Portland protests since 2017. If called as a witness, I could, and would, testify competently to the facts below.

2. When the 2020 Portland protests began, I resisted covering them because of the novel coronavirus. My partner works with vulnerable populations and I did not want to run the risk of contracting and transmitting covid-19. By July 4, however, it became clear that the Portland police and federal agents were specifically targeting journalists for punishment, and I felt it was my duty to show up and help document the atrocities that were taking place. In order to do so safely, I must wear a KN95 mask and take extreme sanitization precautions. Nevertheless, I have attended the protests since July 4 for the purpose of documenting and reporting on them.

3. When I attend the protests, I take photographs with a Nikon D750 DSLR camera and I take video with my cellphone. I wear a big white construction helmet that says “PRESS” in big black bold type on the front, the left, the right, and the back sides—and on top, in case I am bending over or in case an officer or federal agent takes aim at me from a balcony. I do not take part in protests or intervene on behalf of protesters. I am there only to observe, record, and report.

4. Around 12:30 a.m. on July 20, I was reporting on the protests in downtown Portland in front of the Hatfield Courthouse. I was dressed as described above and had my big 80-200mm telephoto lens on my Nikon.

5. I was walking from the northwest to the northeast corner of Chapman Square, towards the intersection of SW 3rd Avenue and SW Main Street, where federal agents were arrayed in a line and shooting at protesters. I wanted to document this interaction. I was taking care to walk slowly so as to avoid startling the agents, and I was taking care to stay on the path

so as to remain in the light. There were very few people in my immediate vicinity; the closest person was another member of the press, who was some 10-20 feet behind me.

6. Suddenly, without warning, provocation, or reason, one federal agent took aim and fired a shot directly at my torso. Based on the size and shape of the wound and the feeling when the shot hit, I believe the agent used a 40mm rubber bullet. The agent's rubber bullet hit me 3 inches to the right of my navel, and I believe only an inch or two from where my Nikon camera was hanging. Based on where the agent hit me, I believe they were targeting members of the press and legal observers, and I believe they were possibly trying to destroy my equipment.


7. The shot hurt me immensely and I had to take a break from taking photographs to get myself together. Today, the entire area is tender and purple, and the flesh at the center of the shot is raw. It is painful to wear my camera because it swings and often touches the area where the agent shot me.

8. This video is a true and correct recording I took of the events described above, starting at around the 7:00 mark: <https://twitter.com/FancyJenkins/status/1285109644021526529>. In addition, from 6:00 to 7:00, I am panning around me and it is plain that there are very few other people in my immediate vicinity.

9. I would like to continue attending and documenting the protests. I believe it is vitally important that I do so to document the actions of law enforcement and protesters—especially when law enforcement officers target journalists for retribution. I am fearful, however, that police and federal agents will injure me even more severely than they did on the night of July 19.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 21, 2020

DocuSigned by:

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Jake Johnson